



**Michelle Lujan Grisham**  
Governor

**Howie C. Morales**  
Lt. Governor

## NEW MEXICO ENVIRONMENT DEPARTMENT

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**James C. Kenney**  
Cabinet Secretary

**Jennifer J. Pruett**  
Deputy Secretary

Original via FedEx - Copy via Electronic Mail

April 8, 2020

Mr. Charles Maguire, Director  
Water Quality Protection Division (6WD)  
U. S. Environmental Protection Agency  
1201 Elm Street, Suite 500  
Dallas, Texas 75202

**Re: State Certification**

Dear Mr. Maguire:

Enclosed, please find the state certification for the following proposed National Pollutant Discharge Elimination System (NPDES) permit NM0030996, Peabody Natural Resources Company dba Lee Ranch Coal Company, El Segundo Mine.

If any, comments and conditions are enclosed on separate sheets.

U.S. Environmental Protection Agency (USEPA) proposes to regulate discharges under the above-referenced NPDES Individual Permit. A state Water Quality Certification is required by the federal Clean Water Act (CWA) Section 401 to ensure that the action is consistent with state law (New Mexico Water Quality Act, Sections 74-6-1 through 74-6-17, New Mexico Statutes Annotated (NMSA) 1978) and complies with state Water Quality Standards [*State of New Mexico, Standards for Interstate & Intrastate Surface Waters, New Mexico Water Quality Control Commission, 20.6.4 New Mexico Administrative Code (NMAC)*], the Water Quality Management Plan and Continuing Planning Process, including Total Maximum Daily Loads (TMDLs), and the Antidegradation Policy.

Pursuant to State regulations for permit certification found at 20.6.2.2001 NMAC, USEPA jointly with NMED issued a public notice of the draft permit and announced a public comment period posted on the NMED web site at <https://www.env.nm.gov/surface-water-quality/public-notice/> on February 29, 2020. The NMED public comment period ended on March 30, 2020. NMED did not receive any comments.

Sincerely,

Shelly Lemon, Bureau Chief  
Surface Water Quality Bureau

**State Certification**

**April 8, 2020**

**Page 2 of 2**

cc: (w/ enclosures)

Ms. Evelyn Rosborough, USEPA (6WDPN) via e-mail

Mr. Brent Larsen, USEPA (6WDPE) via e-mail

Mr. Tung Nguyen, USEPA (6WDPE) via e-mail

Mr. James R. Smith, EMNRD via e-mail

Mr. Mitch Knapton, General Manager/Chief Engineer, Peabody National Resource Company, El Segundo Mine via e-mail

Mr. Chad Gains, Peabody Natural Resources Company, Environmental Specialist via e-mail

Mr. Ken Mc Queen, Regional Administrator  
Environmental Protection Agency  
1201 Elm Street, Suite 500  
Dallas, TX 75202

April 8, 2020

**STATE CERTIFICATION**

RE: Peabody Natural Resources Company dba Lee Ranch Coal Company - El Segundo Mine -  
NM0030996

Dear Mr. McQueen:

The New Mexico Environment Department has examined the proposed NPDES permit above. The following conditions are necessary to assure compliance with the applicable provisions of the Clean Water Act Sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law. Compliance with the terms and conditions of the permit and this certification will provide reasonable assurance that the permitted activities will be conducted in a manner which will not violate applicable water quality standards and the water quality management plan and will be in compliance with the antidegradation policy.

The State of New Mexico:

- ☒ (X) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law.
- ☐ ( ) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law upon inclusion of the following conditions in the permit (see attachments).
- ☐ ( ) denies certification for the reasons stated in the attachment.
- ☐ ( ) waives its right to certify.

In order to meet the requirements of State law, including water quality standards and appropriate basin plans as may be amended by the water quality management plan, each of the conditions cited in the draft permit and the State certification shall not be made less stringent.

The Department reserves the right to amend or revoke this certification if such action is necessary to ensure compliance with the State's water quality standards and water quality management plan.

Please contact Sarah Holcomb at (505) 827-2798, if you have any questions concerning this certification. Comments and conditions pertaining to this draft permit are attached.

Sincerely,

Shelly Lemon  
Bureau Chief  
Surface Water Quality Bureau

**Peabody Natural Resources Company dba Lee Ranch Coal Company**  
**El Segundo Mine**  
**State Conditions of Certifications and Comments on the Proposed NPDES Permit**  
**NM0030996**  
**April 8, 2020**

**Conditions of Certification:**

1. none

**Comments that are not Conditions of Certification:**

1. Footnote \*4 in Part I A 1 Coal Preparation & Associated Areas Outfalls should refer to Attachment A.